

THURSDAY, APRIL 21, 1988

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 9.00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by T.R. Crosslin, Elder, Christian Methodist Episcopal Church, Clarksville, Tennessee, guest of Representative Mary Pruitt.

Representative Mary Pruitt led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

The Speaker announced that Representative Bewley was excused because of prior business commitments.

The Speaker announced that Representative Phillips was excused because of personal reasons.

REGULAR CALENDAR

*House Bill No. 1608 -- Workers' Compensation -- Allows injured employee to select physician. Amends TCA, Title 50, Ch. 6.

Further consideration of House Bill No. 1608, previously considered March 10 and April 7, 1988.

Rep. West moved that House Bill No. 1608 be re-referred to the Calendar and Rules Committee, which motion prevailed.

*House Bill No. 0132 -- Real Property -- Requires real estate disclosure on transfer of real estate. Amends TCA, Title 66.

Further consideration of House Bill No. 132, previously considered April 7, 1988.

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Rep. Long moved that House Bill No. 132 be reset on the Calendar for Thursday, April 28, 1988, which motion prevailed.

House Bill No. 2168 -- Trusts -- Authorizes creation of blind trusts that meet certain requirements. Amends TCA, Title 35, Ch. 50.

On motion, House Bill No. 2168 was made to conform with Senate Bill No. 2245.

On motion, **Senate Bill No. 2245**, on same subject, was substituted for House Bill No. 2168.

Rep. Ussery moved that Senate Bill No. 2245 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2245 by adding the following new subsection to the end of the amendatory language of SECTION 1:

() The provisions of this act shall not apply to any "blind trust" or other trust or financial arrangement or agreement having the same effect or status as a "blind trust" in existence prior to the effective date of this act. All such trusts, arrangements or agreements shall continue to operate in accordance with the terms and conditions under which they were created.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ussery moved that Senate Bill No. 2245, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

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BILL RECONSIDERED

*Senate Bill No. 1409 -- County Officers -- Clarifies legislative intent concerning most recent increases in compensation of county officers and clerks of courts. Similar to *SB 1347. Amends TCA 8-24-102, 104.

Rep. Naifeh moved to lift from the table the motion to reconsider on Senate Bill No. 1409.

Rep. Naifeh moved to reconsider our action in passing Senate Bill No. 1409.

Rep. Naifeh moved to reconsider our action in adopting Amendment No. 1.

On motion, Amendment No. 1 was withdrawn.

Rep. Naifeh moved to pass Senate Bill No. 1409, as amended, on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 1758 -- Economic and Community Development -- Expands application of Local Neighborhood Model Development Corporation Act to certain counties. Amends TCA, Title 13, Ch. 13, Pt. 1.

Rep. Drew moved that House Bill No. 1758 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	88
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron,

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Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Kent, Kernell, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

A motion to reconsider was tabled.

House Bill No. 1759 -- Business and Commerce -- Limits amount merchant or financial institution may assess as return check charge. Amends TCA, Title 39, Ch. 3, Pt. 3.

Rep. Drew moved that House Bill No. 1759 be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 2431** -- Election Laws -- Shortens residency requirement to be qualified to vote. Amends TCA, Title 6.

Rep. Herron moved that House Bill No. 2431 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representative present and not voting was: Robinson (Hamilton) -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 1447** -- Workers' Compensation -- Requires employer to select doctor from employee's county of residence or as near as possible for employer's examination. Amends TCA, Title 50, Ch. 6.

Further consideration of Senate Bill No. 1447, previously considered on April 14, 1988, at which time it was substituted for House Bill No. 1452 and Amendment No. 1 was adopted.

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Rep. Jackson moved that Senate Bill No. 1447 be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 1373 -- Racing -- Prohibits issuance of general obligation bonds for racetracks. Amends TCA, Title 4, Ch. 36.**

On motion, House Bill No. 1373 was made to conform with Senate Bill No. 1936.

On motion, **Senate Bill No. 1936**, on same subject, was substituted for House Bill No. 1373.

Rep. Copeland moved that Senate Bill No. 1936 be passed on third and final consideration.

Rep. Duer moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1936 by deleting from the last sentence of Section 1, which was added by Senate Amendment No. 2, the following population brackets:

41,800	41,900
7,400	7,450
24,230	24,245
9,475	9,550
8,600	8,650
4,700	4,750

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Copeland moved that Senate Bill No. 1936, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 91.

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Representative voting no was: Mr. Speaker Murray -- 1.

Representative present and not voting was: DeBerry -- 1.

A motion to reconsider was tabled.

House Bill No. 2482 -- Corporations, Not for Profit -- Authorizes immunity for certain actions by directors of certain nonprofit corporations. Amends TCA, Title 48, Ch. 58, Pt. 6.

On motion, House Bill No. 2482 was made to conform with Senate Bill No. 2246.

On motion, **Senate Bill No. 2246**, on same subject, was substituted for House Bill No. 2482.

Rep. Ussery moved that Senate Bill No. 2246 be passed on third and final consideration.

Rep. Ussery moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2246 by adding before the last section the following new section:

Section __. Tennessee Code Annotated, Section 48-58-601(c), is amended by adding the following language preceding the last sentence:

Notwithstanding other provisions of this subsection to the contrary, all directors, trustees or members of the governing bodies of nonprofit cemetery corporations, associations, and organizations referred to in subsection (d) shall be immune from personal liability only if such cemetery corporations, associations, or organizations carry liability insurance coverage in amount to be determined by the department of commerce and insurance.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ussery moved that Senate Bill No. 2246, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Draw, Duer, Ellis, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller,

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Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

***House Bill No. 1964 -- Jails and Jailers -- Establishes floor for county usage for jails or programs of state paid subsidy. Amends TCA, Title 41, Ch. 8, Pt. 1.**

On motion, House Bill No. 1964 was made to conform with Senate Bill No. 2184.

On motion, **Senate Bill No. 2184**, on same subject, was substituted for House Bill No. 1964.

Rep. Rhinehart moved passage of Senate Bill No. 2184 on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	1
Present and not voting.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representative voting no was: Hawkins -- 1.

Representative present and not voting was: Clark -- 1.

A motion to reconsider was tabled.

***House Bill No. 1443 -- Hospitals and Health Care Facilities -- Broadens definition of health care institution to include intermediate care facilities for mentally retarded. Amends TCA 68-11-102.**

On motion, House Bill No. 1443 was made to conform with Senate Bill No. 1559.

On motion, **Senate Bill No. 1559**, on same subject, was substituted for House Bill No. 1443.

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Rep. Rhinehart moved passage of Senate Bill No. 1559 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

House Bill No. 2410 -- Hospitals and Health Care Facilities -- Exempts certain expansions and purchases from certificate of need requirement for health care facilities. Amends TCA 68-11-106.

On motion, House Bill No. 2410 was made to conform with Senate Bill No. 2259.

On motion, **Senate Bill No. 2259**, on same subject, was substituted for House Bill No. 2410.

Rep. Rhinehart moved passage of Senate Bill No. 2259 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

House Bill No. 1856 -- Corporations, Not for Profit -- Authorizes alternative methods of amending corporate bylaws. Amends TCA 48-60-202.

On motion, House Bill No. 1856 was made to conform with Senate Bill No. 1502.

On motion, **Senate Bill No. 1502**, on same subject, was substituted for House Bill No. 1856.

Rep. Williams moved passage of Senate Bill No. 1502 on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

House Bill No. 2131 -- Sunset Laws -- Extends termination date of Institute for African Affairs. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 8, Pt. 8.

Rep. King moved that House Bill No. 2131 be passed on third and final consideration.

Rep. King moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2131 by deleting Sections 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

() Institute for African and Caribbean Affairs, created by Section 49-8-802;

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AND FURTHER AMEND by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 49-8-802 is amended by deleting the section in its entirety and by substituting instead the following:

Section 49-8-802.

(a) There is hereby established an Institute for African and Caribbean Affairs to provide continuing research, information, and economic and other assistance regarding the people and nations of Africa and the Caribbean.

(b) There is hereby created a board which shall approve and monitor the activities and expenditures of the Institute for African and Caribbean Affairs. The board shall be composed of seven (7) members. The members shall include:

(1) The commissioner of the department of economic and community development or his designee;

(2) The president of Tennessee State University or his designee;

(3) Two (2) members to be appointed by the speaker of the senate, one (1) of whom shall serve a term of four (4) years, and one (1) of whom shall serve a term of six (6) years;

(4) Two (2) members to be appointed by the speaker of the house of representatives, one (1) of whom shall serve a term of four (4) years, and one (1) of whom shall serve a term of six (6) years; and

(5) One (1) member to be appointed by the governor. The member appointed by the governor shall serve a term of six (6) years.

Four (4) members shall constitute a quorum. Members shall be eligible for reappointment to the board. The governor shall select a chairman from the members of the board.

(1) The board shall appoint the executive director of the Institute for African and Caribbean Affairs. The executive director shall recommend, for board approval, staffing of the Institute.

(2) The chairman of the board shall submit budget requests of the Institute for African and Caribbean Affairs to the department of economic and community development.

(3) The Institute for African and Caribbean Affairs shall have access to information and other resources of the department of economic and community development in order to achieve its objectives.

(c) Tennessee State University shall have no financial responsibility to the Institute for African and Caribbean Affairs. The board shall ensure that

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the executive director of the Institute complies with prudent financial procedures, as established by the comptroller of the treasury, for management of funds received by the Institute.

(d) The board is authorized to contract with Tennessee State University to achieve the goals of this act. Tennessee State University shall provide suitable office space to be leased to the Institute to implement and carry out the duties and functions of the Institute.

(e) The powers and duties of the Institute for African and Caribbean Affairs shall be:

(1) To collect and disseminate information about African and Caribbean nations on their culture, life style, religion, values, politics, natural resources, governments, businesses, and other economic areas that the people of this state would need to know to better understand the peoples of Africa and the Caribbean;

(2) To collect and disseminate information about the possible economic needs of these nations;

(3) To sponsor workshops, seminars, conferences and cultural programs for business persons and others who are planning trips to Africa or the Caribbean for the purpose of reducing possible cultural shock and/or preparing them for a more enjoyable and effective trip;

(4) To identify persons from Africa and the Caribbean who are living in the state of Tennessee;

(5) To work closely with private and public organizations, profit and nonprofit, for effectuating better communication about the nations on the continent of Africa and in the Caribbean.

(6) To sponsor trade missions and other events that will enhance the relationship between Tennesseans and the peoples of Africa and the Caribbean;

(7) To vigorously promote the sale and trade of Tennessee agriculture and other products to African and Caribbean nations; and

(8) To negotiate contracts with private and governmental agencies in pursuit of the objectives of the institute.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. King moved to amend as follows:

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Amendment No. 2

Amend House Bill No. 2131 by deleting from Section 3 the following language:

(2) The chairman of the board shall submit budget requests of the Institute for African and Caribbean Affairs to the department of economic and community development.

and by substituting instead the following:

(2) The chairman of the board shall submit budget requests of the Institute for African and Caribbean Affairs to the department of finance and administration.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. King moved that House Bill No. 2131, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

A motion to reconsider was tabled.

House Bill No. 2329 -- State Employees -- Establishes sick leave bank. Amends TCA, Title 8, Ch. 50.

Rep. Naifeh moved that House Bill No. 2329 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2329 by deleting Section __.(c)(2) of Section 1 in its entirety and substituting in its place the following:

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(2) The board of trustees will be comprised of the Commissioner of Personnel or designee, the Commissioner of Finance and Administration or designee, the State Treasurer or designee, the Executive Director of the Fiscal Review Committee or designee, and three (3) members - one (1) from each grand division and each employed by a different department or agency - selected by the employee organization at their annual legislative convention.

AND FURTHER AMEND by deleting Section __.(e)(1) of Section 1 in its entirety and substituting in its place the following:

(1) All persons employed by state government who are entitled to accrue sick leave pursuant to Tenn. Code Ann. 8-50-1-1, who have been employed by state government for twelve (12) full months immediately preceding application for participation, and who have a sick leave balance of at least six (6) days at the time of application for participation, are eligible to participate in the sick leave bank.

AND FURTHER AMEND by deleting Section __.(d)(2) of Section 1 in its entirety and substituting in its place the following:

(2) These rules and regulations shall be established and adopted by the board of trustees, exclusive of the provisions of Tenn. Code Ann., Title 4, Chapter 5, Part 2. Rules shall be on file in the office of the Commissioner of Personnel and in the personnel office of each department and agency of the executive branch of government within sixty (60) days of the authorized establishment of a sick leave bank pursuant to subsection (b) of this chapter. Nothing in this subsection shall be construed in such a manner as to prevent the board of trustees adoption of rules more stringent, relative to membership and use of leave from the bank, than the general provisions of this act.

AND FURTHER AMEND by renumbering Section 4 of the bill as Section 5 and adding the following as a new Section 4:

Section 4. This act shall be null and void unless the estimated costs associated with the sick leave bank are specifically provided for in the appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2329 by adding the following as a new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. Any cost arising from a donation of sick leave by a participating employee to the sick leave bank shall be deducted from the budget of the department or agency employing the person who makes the donation.

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On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 2329, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 1809 -- Licenses -- Revises registration, training, and application fee requirements under Private Protective Security Services Act. Amends TCA, Title 62, Ch. 35.

Rep. Kisber moved that House Bill No. 1809 be reset on the Calendar for Monday, April 25, 1988, which motion prevailed.

***Senate Bill No. 2224** -- Racing -- Adds factors for commission to consider in locating track; prohibits question at special elections. Amends TCA 4-36-302, 4-36-401.

Further consideration of Senate Bill No. 2224, previously considered on April 18, 1988, at which time it was substituted for House Bill No. 2044 and the motion was made for adoption of Amendment No. 1.

Rep. U. Jones (Shelby) renewed his motion that Senate Bill No. 2224 be passed on third and final consideration.

Rep. Miller moved that the motion to adopt Amendment No. 1, previously filed, be withdrawn, which motion prevailed.

Rep. Cain moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2224 by deleting the period (.) at the end of the first complete sentence of the amendatory language of Section 1 and by adding the following language:

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only if a change in zoning is required.

AND FURTHER AMEND by adding at the end of the amendatory language of Section 1 the following language:

The applicant shall reimburse the commission for any cost incurred as a result of conducting such public hearing.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. U. Jones (Shelby) moved that Senate Bill No. 2224, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representative present and not voting was: Long -- 1.

A motion to reconsider was tabled.

House Bill No. 1710 -- Gas, Petroleum Products, Volatile Oils -- Enacts "Tennessee Petroleum Underground Storage Tank Act". Amends TCA, Title 68.

Rep. Starnes moved that House Bill No. 1710 be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1710 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 28 of this act as a new chapter.

SECTION 2. This chapter shall be known and may be cited as the "Tennessee Petroleum Underground Storage Tank Act".

SECTION 3. In order to protect the public health, safety and welfare, to prevent degradation of the environment, conserve natural resources and provide a coordinated statewide underground storage tank program, it is declared to be the public policy of the state of Tennessee to regulate underground storage tanks and to:

- (a) Provide safe storage for petroleum products:
- (b) Provide a coordinated statewide program for petroleum products stored in underground storage tanks in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution such that adequate control is achieved without unnecessary duplication of regulatory programs:
- (c) Develop long range plans for adequate petroleum underground storage tank systems to meet future demands:
- (d) Provide a mechanism for the remediation of environmental pollution due to releases from petroleum underground storage tank systems; and
- (e) Provide a comprehensive investigation and cleanup fund to address the problems caused by releases from petroleum underground storage tanks, including remediation of imminent and substantial threats to public health and/or the environment, and to provide a mechanism to assist the financial responsibility requirements for owners/operators of petroleum underground storage tanks.

It is the intent of this legislation to enable the state to obtain primacy for the Petroleum Underground Storage Tank Program from the United States Environmental Protection Agency.

SECTION 4. Exempted from the provisions of this chapter are:

- (a) Septic tanks:
- (b) Farm or residential tanks of one thousand one hundred (1,100) gallons or less used for storing motor fuel for non-commercial purposes:
- (c) Tanks used for storing heating oil for consumption on the premises where stored:
- (d) Pipeline facilities (including gathering lines) regulated under:
 - (1) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et. seq.)
 - (2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et. seq.) or

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(3) State laws comparable to the provisions of the law referred to in item (1) or (2) of this subparagraph if it is an intrastate pipeline:

(e) Surface impoundments, pits, ponds, or lagoons:

(f) Storm water or waste water collection systems:

(g) Flow through process tanks:

(h) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations:

(i) Petroleum storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor; and

(j) Pipes or connections connected to exempted tanks.

SECTION 5. As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(a) "Board" means the petroleum underground storage tank board established in this chapter:

(b) "Commissioner" means the commissioner of the Tennessee department of health and environment, his authorized representatives, or in the event of his absence or a vacancy in the commissioner's office, the deputy commissioner:

(c) "Department" means the Tennessee department of health and environment:

(d) "Flow through process tank" means a tank whose principal use is not for storage but is primarily used in the manufacture of a product or in a treatment process:

(e) "Petroleum inactive site" means a site that is no longer in operation, is abandoned, or the responsible party has filed a bankruptcy petition:

(f) "Occurrence" means the discovery of environmental contamination at a specific time and date, due to the release of petroleum products from petroleum underground storage tanks:

(g) "Operator" means any person in control of, or having responsibility for, the daily operation of the petroleum underground storage tank:

(h) "Owner" means:

(1) For petroleum storage tanks in use or brought into use on or after November 8, 1984, any person who owns a petroleum underground storage tank used for the storage, use, or dispensing of petroleum products;

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(2) For petroleum underground storage tanks used prior to November 8, 1984, but no longer in use after that date, the person who last owned the petroleum underground storage tank used for storage, use, or dispensing of petroleum immediately before discontinuation of its use:

(i) "Notification form" means the petroleum underground storage tank notification form completed by the owner for the petroleum underground storage tanks at each facility and required by this act:

(j) "Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any other state or country:

(k) "Petroleum" means crude oil or any fraction of crude oil which is a liquid at standard temperature and pressure (sixty degrees (60) Fahrenheit and fourteen and seven tenths (14.7) pounds per square inch absolute):

(l) "Petroleum site" means any site or area where a petroleum underground storage tank is located:

(m) "Petroleum underground storage tank fund" means the fund established by this chapter to provide for the cleanup of releases from petroleum underground storage tanks and assist with the financial responsibilities of owner/operators of petroleum underground storage tanks:

(n) "Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing of a petroleum substance from a petroleum underground storage tank or its associated piping into groundwater, surface water, or subsurface soils:

(o) "Responsible party" means:

(1) The owner and/or operator of a petroleum site; or

(2) Any person who at the time of the release which caused the contamination was an owner and/or operator of a petroleum underground storage tank:

(p) "State" means the state of Tennessee;

(q) "Tank" means a stationary device, designed to contain an accumulation of petroleum substances which is constructed primarily of non-earthen materials (e.g. wood, concrete, steel, fiberglass) which provide structural support:

(r) "Petroleum underground storage tank" means any one or combination of tanks (including the underground lines connected thereto) which are used or have been used to contain an accumulation of petroleum

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substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. The term, "petroleum underground storage tank", does not include any tank exempted from this act pursuant to Section 4.

SECTION 6. It shall be unlawful and will subject a violator to the penalties of Section 22 of this act to:

- (a) Cause or permit the release of a petroleum substance from a petroleum underground storage tank to the environment:
- (b) Construct, alter, or operate a petroleum underground storage tank in violation of this chapter or the rules or regulations established pursuant thereto:
- (c) Refuse or fail to pay to the department fees, not including the annual fee per tank, assessed pursuant to the provisions of this chapter and in violation of the rules, regulations, or orders of the commissioner or board; or
- (d) Install petroleum underground storage tanks that do not meet the minimum standards pursuant to this chapter.

SECTION 7. All petroleum underground storage tanks shall at a minimum:

- (a) Prevent releases due to structural failure for the operational life of the tank:
- (b) be cathodically protected against corrosion, constructed of non-corrosive material, steel clad with a non-corrosive material, or designed in a manner to prevent the release or the threatened release of any petroleum substance; and
- (c) The material used in construction or lining of the tank shall have compatibility between the substance stored in the petroleum underground storage tank and the interior of the petroleum underground storage tank.

SECTION 8.

(a)

(1) Within one year after the enactment of this act, each owner of a petroleum underground storage tank in use on the effective date of this act shall notify the commissioner of the existence of such tank, specifying the age, size, type, location, and uses of such tank. The commissioner shall accept as formal notification the U.S. EPA underground storage tank notification form filed with the department by the owner of the petroleum underground storage tank before this act became effective.

(2) For each petroleum underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall within one (1) year after the enactment of this act notify the commissioner of the existence

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of such tanks (unless the owner knows such tanks were removed from the ground). The owner of petroleum underground storage tanks taken out of operation on or before January 1, 1974, shall not be required to notify the commissioner. The commissioner shall accept as formal notification the United States EPA underground storage tank notification form filed with the department by the owner of the petroleum underground storage tank before this act became effective.

(3) Notice under subsection (a)(2) shall specify to the extent known to the owner;

(A) The date the tank was taken out of operation;

(B) The age of the tank on the date taken out of operation;

(C) The size, type, and location of the tank; and

(D) The type and quantity of petroleum substances left stored in such tank on the date taken out of operation.

(4) Any owner who brings into use petroleum underground storage tanks after the initial notification period specified under paragraph (1), shall notify the commissioner at least fifteen (15) days in advance of the date the tank is installed for storage of petroleum substances, specifying the age, size, type, location, and uses of such tank.

(5) Items (1) through (3) of this subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

(6) Beginning thirty (30) days after the commissioner prescribes the form of notice pursuant to subsection (b)(2) and for twelve (12) months thereafter, any person who deposits petroleum substances into a petroleum underground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

(7) Beginning thirty (30) days after the board promulgates new tank performance standards pursuant to this act, any person who sells a tank intended to be used as a petroleum underground storage tank in Tennessee shall notify the purchaser of such tank of the owner's notification requirements pursuant to this subsection.

(b)

(1) Within ninety (90) days after the enactment of this act, the commissioner, shall designate the appropriate division within the department to receive the notification required by subsection (a)(1), (2), or (3).

(2) Within ninety (90) days after the enactment of this act, the commissioner in consultation with state officials designated pursuant to

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subsection (b)(1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notification under subsection (a)(1), (2), or (3).

(c)

(1) The commissioner shall issue a certificate to the owner/operator of each petroleum underground storage tank who has submitted their petroleum underground storage tank notification forms. The certificate shall contain pertinent information relative to that petroleum underground storage tank. The certificate shall be issued annually by the commissioner. The certificate for each petroleum underground storage tank at a facility must be conspicuously posted at the facility.

(2) It shall be unlawful for any person to place or cause to be placed petroleum substances in a petroleum underground storage tank without a certificate required pursuant to subsection (c)(1).

(3) The commissioner may revoke and remove the petroleum underground storage tank certificate from any petroleum underground storage tank owner or operator who violates any provision of this act, the rules and regulations promulgated pursuant to this act, or any order issued by the commissioner or board.

SECTION 9.

(a) The commissioner shall exercise general supervision over the release prevention, release detection, release correction, closure, and where applicable, post closure care of petroleum underground storage tanks throughout the state. Such supervision shall apply to all features of the installation of the petroleum underground storage tanks, the standards for permissible petroleum underground storage tanks release prevention requirements, release detection requirements, release correction requirements, facility financial responsibility requirements, facility closure requirements, and facility post closure requirements which do or may affect the public health, safety or quality of the environment and which do or may affect the proper storage of petroleum substances.

(b) The commissioner is authorized to issue an order to any responsible party requiring such party to investigate, identify, contain and cleanup, including monitoring and maintenance, any petroleum substance sites which pose or may pose a danger to public health, safety, or the environment because of release or threatened release of petroleum substances. Any person failing, neglecting, or refusing to comply with any final order after a hearing shall be subject to the penalties provided in this act.

(c) In the event that any identified responsible party or parties are unable or unwilling to provide for the investigation, identification, or for the reasonable and safe containment and cleanup, including monitoring and maintenance, pursuant to an order issued under this section, or no such liable party can reasonably be identified by the commissioner, the commissioner may provide for such actions.

(d) If, at any time, the commissioner, after investigation, finds that a petroleum site constitutes an imminent, substantial danger to the public health, safety or environment, the commissioner may undertake such actions as are necessary to abate the imminent and substantial danger.

(e) For the purpose of developing or enforcing any rule or regulation authorized by this chapter, or enforcing any requirement of this chapter or order issued by the commissioner or board pursuant to this chapter, the commissioner or his agent is authorized:

(1) To enter at reasonable times any establishment or other place where a petroleum underground storage tank is located;

(2) To inspect and obtain samples of any petroleum substance contained in such tank and to allow for testing of samples by both the commissioner or his agent and the owner/operator;

(3) To conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or groundwater; and

(4) To require the owner/operator of a petroleum underground storage tank to prove the petroleum underground storage tank is not leaking, if there has been the release of petroleum substances in the area, including tightness testing of petroleum underground storage tank if deemed necessary.

(f) The board may promulgate and adopt such rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5 as are required elsewhere in this act or are otherwise necessary or desirable to implement the provisions of this act. Such rules and regulations shall include but not be limited to:

(1) Requirements for maintaining a leak detection system, an inventory control system together with tank testing, including a tank tightness testing certification program if deemed necessary, or a comparable system or method designated to identify releases in a manner consistent with the protection of human health and environment;

(2) Requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing or comparable system;

(3) Requirements for reporting releases and corrective actions taken in response to a release from a petroleum underground storage tank;

(4) Requirements for taking corrective action in response to a release from a petroleum underground storage tank;

(5) Requirements for the closure of petroleum underground storage tanks to prevent future releases of petroleum substances into the environment;

(6) Requirements that new petroleum underground storage tanks meet design standards promulgated by the board before such tanks may be installed;

(7) Requirements that existing petroleum underground storage tanks either be retrofitted to meet new petroleum tank standards or replaced with new petroleum tanks over a scheduled time period;

(8)

(A) Requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and non-sudden accidental releases arising from operation of a petroleum underground storage tank, the mechanism by which the fund may provide relief of third party damages incurred by the owner and/or operator at a petroleum site, and the mechanism by which the fund may provide relief for the costs of corrective action at fund eligible sites exceeding the financial responsibility requirements of the owner and/or operator at the petroleum site;

(B) Requirements to authorize any class or category of petroleum underground storage tank owners and/or operators to petition for changes in the foregoing financial responsibility requirements pursuant to Tennessee Code Annotated, Section 4-5-201. In ruling on any request the board may not allow the financial responsibility requirements to be less stringent than the federal financial responsibility requirements for enforcement;

(g) Requirements providing for the assessment and collection of fees as provided in this act.

(h) The Commissioner, board or court shall not order that cleanup standards exceed those that can be reasonably achieved and implemented in a cost effective manner within available technologies or control strategies.

SECTION 10. The board shall establish procedures to insure that information supplied to the department as required by this chapter, and as defined as proprietary by regulation, is not revealed to any person, except as provided in this section. Proprietary information shall not include the name and address of owner and/or operator of petroleum underground storage tanks. Proprietary information may be utilized by the commissioner, the board, the department, the United States Environmental Protection Agency, or any authorized representative of the commissioner or board in connection with the responsibilities of the department or board pursuant to this chapter or as necessary to comply with federal law.

SECTION 11.

(a)

(1) The board shall levy and collect annual fees from the owners and/or operators of petroleum underground storage tanks containing petroleum

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substances. The board shall promulgate regulations stipulating which petroleum underground storage tanks are subject to fees, the due date of such fees, and the amount of such fees, annually in an amount not to exceed one hundred dollars (\$100) per tank. The fee for each petroleum underground storage tank shall be one hundred dollars (\$100) per tank the first year this act is effective. This fee shall be paid by the party designated in an agreement between the owner and the operator of the petroleum underground storage tank.

(2) The board shall promulgate and adopt rules and regulations providing for a fee based upon the financial requirements to operate the petroleum underground storage tank fund established pursuant to this chapter. The fee may be reviewed and revised as needed by the board based on changes in anticipated fee collections and projected program or fund expenditures.

(3) Upon failure or refusal of an owner and/or operator of a petroleum underground storage tank subject to fees by regulation to pay a fee lawfully levied within a reasonable time allowed by the commissioner, the commissioner may proceed in the chancery court of Davidson County to obtain judgment and seek execution of such judgment.

(4) Any person who fails or refuses to pay a lawfully levied fee or any part of that fee by its due date shall be assessed a penalty of five percent (5%) of the amount due which shall accrue on the first day of delinquency and be added thereto. Thereafter, on the last day of each month during which any part of any fee or any prior accrued penalty remains unpaid, an additional five percent (5%) of the then unpaid balance, shall accrue and be added thereto. Nothing in this section shall be construed as requiring the issuance of a commissioner's order for the payment of a fee or a late payment penalty.

SECTION 12.

(a) There is hereby established within the general fund a special agency account to be known as the "petroleum underground storage tank fund" referred to in this act as the "fund."

(b) All fees, civil penalties, and damages collected pursuant to this chapter shall be deposited in the fund:

(c) Any unencumbered funds and any unexpended balance of the fund remaining at the end of any fiscal year shall not revert to the general fund but shall be carried forward until expended in accordance with the provisions of this chapter:

(d) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

(e) For fiscal years subsequent to 1988-1989, the board shall, by regulation, adjust underground storage tank fees to a level necessary to maintain a minimum unobligated balance of two million dollars

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(\$2,000,000) and a maximum unobligated balance of five million dollars (\$5,000,000) in the fund.

(f) There is hereby appropriated, subject to revenues provided pursuant to Section 11(a), the sum of three million dollars (\$3,000,000) for fiscal year 1988-1989; and for fiscal years thereafter, there is appropriated a sum sufficient from the fund to provide for the administrative costs of the underground storage tank program.

SECTION 13.

(a) The fund shall be available to the board and the commissioner for expenditures for the purposes of providing for the investigation, identification, and for the reasonable and safe cleanup, including monitoring and maintenance of petroleum sites within the state as provided in this chapter.

(b) The fund may also be used by the commissioner as a source of federal matching funds for the state in the petroleum underground storage tank program.

(c) The commissioner may enter into contracts and use the fund for those purposes directly associated with identification, investigation, containment and cleanup, including monitoring and maintenance prescribed above including;

- (1) Hiring consultants and personnel;
- (2) Purchase, lease or rental of necessary equipment; and
- (3) Other necessary expenses.

(d) Such fund may be used to provide funding of at least seven hundred fifty thousand dollars (\$750,000) for the administrative costs of the underground storage tank program including twenty (20) new positions, equipment, laboratory costs, and other expenses as reasonably incurred by the program for fiscal year 1988-1989. Funding levels in subsequent years shall be subject to review of the board and shall be included in the department's budget request to the general assembly.

(e) Such fund may be used to provide a mechanism to assist with the financial responsibility requirements for owners and/or operators of petroleum underground storage tanks including clean up of contamination and third party claims due to bodily injury and/or property damage caused by leaking petroleum underground storage tanks;

(1) The fund shall provide for cleanup of contamination caused by leaking petroleum underground storage tanks whose owners and/or operators have paid the required petroleum underground storage tank fee. The board shall promulgate and adopt rules and regulations stipulating the initial owner and/or operator financial responsibility requirements for cleanup before the owner and/or operator is eligible to receive financial

assistance from the fund. The initial owner and/or operator financial responsibility for cleanup shall never be less than fifty thousand dollars (\$50,000) nor more than one hundred thousand dollars (\$100,000) for any petroleum site for an occurrence. The board shall review the entry level into the fund annually and will set the entry level based on the average cost of cleanup of contamination due to leaking petroleum underground storage tanks in Tennessee. The fund shall be responsible for cleanup costs above the entry level to the fund in an amount not to exceed one million dollars (\$1,000,000). The first year this act is effective the initial owner and/or operator financial responsibility requirement for cleanup shall be seventy-five thousand dollars (\$75,000). The fund shall be responsible for cleanup of contamination due to leaking petroleum underground storage tanks on a per site per occurrence basis;

(2) The fund shall provide coverage for third party claims involving bodily injury and/or property damage caused by leaking petroleum underground storage tanks whose owners and/or operators have paid the required petroleum underground storage tank fee. The board shall promulgate and adopt rules and regulations stipulating the initial owner and/or operator financial responsibility requirements for third party claims involving bodily injury and/or property damage before the owner and/or operator is eligible to receive expenditures from the fund. The initial owner and/or operator financial responsibility requirement for third party claims shall never be less than one hundred fifty thousand dollars (\$150,000) nor more than three hundred thousand dollars (\$300,000) for any petroleum site for any occurrence. The board shall review the entry level to the fund annually and will set the entry level based on the median award for settlement of third party claims involving bodily injury and/or property damage caused by leaking petroleum underground storage tanks in Tennessee. The fund shall be responsible for court awards involving third party claims above the entry level into the fund in an amount not to exceed one million dollars (\$1,000,000). The first year this act is effective the initial owner and/or operator financial responsibility requirement for third party claims involving bodily injury or property damage shall be one hundred fifty thousand dollars (\$150,000). The fund shall be responsible for third party claims involving bodily injury and/or property damage caused by leaking petroleum underground storage tanks on a per site per occurrence basis. All claims against the fund for third party damages must have been awarded in a court of suitable jurisdiction; and

(3) Neither the fund nor the initial level of owner and/or operator financial responsibility for cleanup shall be used for the repair, replacement, or maintenance of petroleum underground storage tanks or property improvement on which the petroleum underground storage tanks are located including but not limited to:

- (A) Underground storage tank repair;
- (B) Underground storage tank replacement;

(C) Repair or maintenance of associated lines; and

(D) Replacement of asphalt or concrete.

SECTION 14.

(a) There is created a petroleum underground storage tank board which shall be composed of seven (7) members as follows:

(1) One (1) person who is employed by a private business concern with experience in management of petroleum to be appointed by the governor from a list of three (3) names submitted by the Tennessee Association of Business;

(2) One (1) person who is employed by a private petroleum concern with experience in the management of petroleum to be appointed by the governor from a list of three (3) names submitted by the Tennessee Petroleum Council;

(3) One (1) person who is employed by a private petroleum concern with experience in the management of petroleum to be appointed by the governor from a list of three (3) names submitted by the Tennessee Oil Marketers Association;

(4) One (1) person who is employed by a private petroleum concern with experience in the management of petroleum to be appointed by the governor from a list of three (3) names submitted by the Tennessee Retail Gasoline Dealers Association;

(5) One (1) person who is a representative of environmental interests knowledgeable of the management of petroleum products and/or hazardous substances to be appointed by the governor from a list of three (3) names submitted by the Tennessee Environmental Council;

(6) One (1) person who is to be appointed by the governor from a list of three (3) names submitted by the Tennessee Municipal League;

(7) One (1) person shall be an ex-officio member and shall be the commissioner of the department of health and environment or his designee;

(8) The director, or his designee, of the division designated as responsible for the petroleum underground storage tank program shall serve as the technical secretary of the board but shall have no vote at board meetings;

(9) If the governor does not choose to appoint one of the persons recommended to him under the terms of subdivisions (1), (2), (3), (4), (5), or (6) the appropriate organization(s) shall submit new lists until such appointment is made.

(b) The members appointed by the governor shall serve four (4) year terms and until their successors are appointed, provided, however, that the first appointments shall be as follows: The representatives named in

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subdivisions (a)(2) and (a)(6) shall be appointed for a term of one (1) year, the representatives named in subdivisions (a)(3) and (a)(5) shall be appointed for a term of two (2) years, the representative named in subdivision (a)(4) shall be appointed for a term of three (3) years, and the representative named in subdivision (a)(1) shall be appointed for a term of four (4) years.

(c) All vacancies in appointed positions shall be filled by the governor from the recommendations of the appropriate organizations in the same manner as the original appointment to serve the remainder of the unexpired term.

SECTION 15.

(a) Reasonable notice of any public hearing shall be given before the date of such hearing and shall state the date, time, place of hearing, and subject of the hearing. Any person who desires to be heard relative to petroleum underground storage tank matters at any such public hearing shall give notice thereof in writing to the board on or before the first date set for the hearing. The board is authorized to set reasonable time limits for the oral presentation of views by any person at any such public hearing.

(b) After opportunity for notice and comment, the board shall promulgate rules and regulations governing petroleum underground storage tanks and shall make such modifications or amendments as the board deems necessary. It shall also be the duty of the board to act as a board of appeals as provided in this act.

(c) The board shall hold at least two (2) regular meetings each calendar year at a place and time to be fixed by the board. The board shall also meet at the request of the commissioner of health and environment or of the chairman of the board, or upon a written request of three (3) members of the board. Four (4) members constitute a quorum, and a quorum may act for the board in all matters. The board shall select a chairman from its members annually. The department of health and environment shall provide all necessary staff for the board.

(d) Each member of the board other than the ex-officio member, shall be entitled to be paid fifty dollars (\$50.00) for each day actually and necessarily employed in the discharge of official duties, and each member shall be entitled to receive the amount of his travel and other necessary expenses actually incurred while engaged in the performance of any official duties when so authorized by the board. Such expenses shall be reimbursed in accordance with the comprehensive state travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general.

(e) No member of the board shall participate in making any decision on a certificate or upon a case in which the municipality or firm, which that member represents, or by which that member is employed, or in which that member has a direct substantial financial interest, is involved.

SECTION 16.

(a) When the commissioner finds upon investigation that any provisions of this chapter are not being carried out, and that effective measures are not being taken to comply with provisions of this chapter, he may issue an order for correction to the responsible person, and this order shall be complied with within the time limit specified in the order. Such order shall be made by personal service or shall be sent by certified mail. Investigations made in accordance with this section may be made on the initiative of the commissioner including any violation of this chapter or regulations promulgated pursuant to this chapter. Prior to the issuance of any order or the execution of any other enforcement action, the commissioner or his designee, may request the presence of an alleged violator of this chapter to a meeting to show cause why enforcement action ought not to be taken by the department. Any person may request a meeting with the department to discuss matters pertaining to petroleum underground storage tanks.

(b) Responsible parties shall be liable to the state for costs of investigation, identification, containment and cleanup, including monitoring and maintenance, as provided herein. Owners and/or operators of petroleum underground storage tanks who have paid the required fees shall be liable for all costs up to entry level into the fund. All other owner and/or operators of petroleum underground storage tanks shall be liable for all costs.

SECTION 17.

(a) Making use of any and all appropriate existing state legal remedies the commissioner may commence court action to recover the amount expended by the state from any and all responsible parties for each site investigated, identified, contained or cleaned up, including up to the limits of financial responsibility for owners and/or operators of petroleum underground storage tanks covered by the fund and the entire amount from owners and/or operators of petroleum underground storage tanks not covered by the fund.

(b) In any action under this chapter or any other law, no responsible party shall be liable for more than that party's apportioned share of the amount expended from the fund for such site. The responsible party has the burden of proving his apportioned share. Such apportioned share shall be based solely on the liable party's portion of the total volume of the petroleum at the petroleum site at the time of action under this chapter. Any expenditures required by the provisions of this chapter made by a responsible party (before or after suit) shall be credited toward any such apportioned share.

(c) In no event shall the total monies recovered from the responsible party or parties exceed the total expenditure from the fund for each site.

(d) Any party found liable for any costs or expenditures recoverable under this chapter who establishes by a preponderance of evidence that

only a portion of such costs or expenditures are attributable to his or her actions shall be required to pay only for such portion.

(e) If the trier of the fact finds evidence insufficient to establish such party's portion of costs or expenditures in such a cost recovery, the court shall apportion such costs or expenditures among the defendants, to the extent practicable, according to equitable principles.

SECTION 18. Any responsible party who fails without sufficient cause to properly provide for removal of petroleum or remedial action upon order of the commissioner pursuant to this chapter may be liable to the state for punitive damages in an amount equal to one hundred fifty percent (150%) of the amount of any costs incurred by the fund as a result of such failure to take proper action. The commissioner may recover the punitive damages in an action commenced under Section 17 of this chapter or in a separate civil action, and such punitive damages shall be in addition to any costs recovered from such responsible party pursuant to this chapter. Any punitive damages awarded pursuant to this subsection shall be deposited into the fund.

SECTION 19. No person shall be liable under this chapter for damages as a result of actions taken or omitted in the course of rendering care, assistance or advice at the direction of an on-scene coordinator appointed by the commissioner, with respect to an incident creating a danger to the public health or welfare or the environment as a result of any release of petroleum substances or the threat thereof. This section shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person or for reckless, willful, or wanton misconduct.

SECTION 20. Each department, agency or instrumentality of the executive, legislative, and judicial branches of the federal government and the state government shall be subject to, and comply with, this chapter in the same manner and to the same extent, both procedurally and substantively, as any non-governmental entity including liability under Sections 16 through 19.

SECTION 21.

(a)

(1) Any person against whom an order is issued may secure a review of such order by filing with the commissioner a written petition, setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the board. Any such order shall become final and not subject to review unless the person or persons therein file such petition for hearing before the board no later than thirty (30) days after the date such order is served.

(2) Any owner of an underground storage tank certificate revoked by the commissioner, in any manner other than that for summary suspension under title 4, chapter 5 of Tennessee Code Annotated, may secure a review of the commissioner's revocation by filing with the commissioner a written petition setting forth the grounds and reasons for his objections

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to the commissioner's revocation and requesting a hearing before the board. Any revocation of a certificate, other than a summary suspension, shall become final and not subject to review unless such petition for a hearing before the board is filed no later than thirty (30) days after notice of revocation is served.

(b) The hearing before the board shall be in accordance with the rules and procedures adopted by the board pursuant to Tennessee Code Annotated, Title 4, Chapter 5.

(c) An appeal may be taken from any final order or other final determination of the board by any party, including the department, who is or may be adversely affected thereby to the chancery court of Davidson County. The chancery court of Davidson County shall have exclusive original jurisdiction of all review proceedings instituted under the authority and provisions of this chapter; provided that the judicial review of any final decision of the board shall be made pursuant to the procedures established and set forth in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 22.

(a)

(1) Any person violating any provision of this chapter, or failing, neglecting or refusing to comply with any orders issued by the commissioner or board shall be guilty of a misdemeanor and upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than ten thousand dollars (\$10,000) and/or shall be imprisoned for a time not to exceed eleven (11) months and twenty-nine (29) days for each violation, within the discretion of the court, and each day of continued violation shall constitute a separate punishable offense.

(2) Any person who endangers the public health or safety by willfully and wantonly releasing petroleum in violation of this act, rules, regulations, or orders of the commissioner or board shall be guilty of a felony and upon conviction shall be punished by a fine of not more than fifty thousand dollars (\$50,000) or imprisonment not to exceed two (2) years or both. Each day upon which such violation occurs shall constitute a separate offense.

(b) In addition to such penalties, the department, the court, or board may suspend the certificate to store petroleum substances in a petroleum underground storage tank at the petroleum site at which the violations occurred if the owner of such site has been convicted of two (2) such misdemeanors as defined in subsection (a) of this section within a three (3) year period. The court, board, or commissioner shall suspend the certificate to store petroleum substances for a period of five (5) years of any person who has been convicted of three (3) such felonies within a three (3) year period. No person who has had his certificate suspended pursuant to this subsection shall be eligible to apply for another certificate at the same site until the period of time for which the certificate was suspended has expired. Nothing in this subsection shall preclude the suspension, revocation, or withdrawal of a certificate by the commissioner or board when such action is authorized by law.

SECTION 23.

(a)

(1) Any person who violates or fails to comply with any provision of this chapter, any order of the commissioner or board, any rule, regulation, or standard pursuant to this chapter shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) per day for each day of violation. This civil penalty may be assessed by the commissioner, the board or the court. Each day such violation continues shall constitute a separate punishable offense, and such person shall also be liable for any damages to the state resulting therefrom.

(b) Any civil penalty or damages shall be assessed in the following manner:

(1) The commissioner may issue an assessment against any person responsible for the violation or damages. Such person shall receive notice of such assessment by certified mail, return receipt requested;

(2) Any person against whom an assessment has been issued may petition the board for a review of the assessment;

(3) The manner of review for an assessment shall be the same as that for an order as set out in Section 20;

(4) If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(5) Whenever any assessment has become final because of a person's failure to appeal either the commissioner's assessment or the board's order, the commissioner may apply to the appropriate court for a judgment and seek execution on such judgment in a summary proceeding. The court, in such proceedings, shall treat the failure to appeal such assessment as confession of judgment in the amount of the assessment; and

(6) The commissioner may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation or failure to comply occurred.

(c) In assessing a civil penalty, the following factors may be considered:

(1) The harm done to the public health and/or the environment;

(2) The economic benefit gained by the violator through noncompliance;

(3) The amount of effort put forth by the violator to obtain compliance; and

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(4) Any unusual or extraordinary enforcement costs incurred by the commissioner including compensation for loss or destruction of wildlife, fish, and any aquatic life resulting from the violation.

(d) Damages to the state may include any reasonable expenses incurred in investigating and enforcing violations of this chapter and in restoring the air, water, land, and other property, including the replacement of animal, plant, and aquatic life destroyed due to the violation.

(e) Any person qualified under the Tennessee Rules of Civil Procedure may intervene in any court action brought by the commissioner or board pursuant to this act.

SECTION 24. In addition to the penalties provided elsewhere in this chapter, the commissioner may cause the enforcement of any orders, rules, or regulations issued by him or the board to carry out the provision of this chapter by instituting legal proceedings to enjoin the actual or threatened violation of the provisions of this chapter, and the order, and regulations of the commissioner or orders of the board in the chancery court of Davidson County or in the county where all or part of the violation has or is about to occur, in the name of the department, by a staff attorney and under the supervision of the attorney general. In such suits, the court may grant temporary or permanent injunctions or restraining orders. Such proceedings will not be tried by jury.

SECTION 25.

(a) Any person may file with the commissioner or board a signed sworn complaint against any person allegedly violating any provisions of this chapter. Unless the commissioner or board determines that such complaint is duplicitous or frivolous, he or it shall immediately serve a copy of it upon the person or persons named therein, promptly investigate the allegations contained therein and shall notify the alleged violator what action if any, he or it will take. In all cases, he or it shall notify the complainant of his or its action or determination within ninety (90) days from the date of his or its receipt of the written complaint. If either the complainant or the alleged violator believes the commissioner's or board's action or determination is or will be adequate or too severe, he may appeal to the board for a hearing. Such appeal must be made within thirty (30) days after receipt of the notification sent by the commissioner or board. If the commissioner fails to take the action stated in his notification, the complainant may make an appeal to the board within thirty (30) days from the time at which the complainant knows or has reason to know of such failure. The department shall not be obligated to assist a complainant in gathering information or making investigations or to provide counsel for the purpose of drawing his complaint.

(b) The board, department, its officials and employees acting in their official capacity shall not be considered "persons" pursuant to this section.

SECTION 26. Tennessee Code Annotated, Section 68-26-108(c), is amended by deleting the section in its entirety and replacing in lieu thereof:

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No dealer shall dismantle, disconnect, evacuate, service, tamper with, or deface any installation or container belonging to another dealer unless:

- (1) The action is authorized in writing, by the owner and/or dealer thereof;
- (2) The action is directed in writing, by the consumer or property owner where the installation or container is located;

SECTION 27. Notwithstanding any other provisions of law to the contrary, the Tennessee comprehensive underground storage tank fund shall not be considered an insurance company or insurer under the laws of this state and shall not be a member of nor be entitled to claim against the Tennessee Insurance Guaranty Association created under Tennessee Code Annotated, Title 56, Chapter 12.

SECTION 28. The Tennessee Petroleum Underground Storage Tank Act and the regulations promulgated pursuant to the act shall take precedence over all existing county, city, and/or municipal laws and/or regulations concerning petroleum underground storage tanks, except in situations where local laws/regulations are both more stringent and in effect on the date of passage of this act.

SECTION 29. Tennessee Code Annotated, Section 4-29-109(a), is amended by adding the following new item to be appropriately designated:

- () Underground storage tank board, created by Section 14 of this act.

SECTION 30. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 31. For the purposes of promulgating and adopting rules and regulations, this act shall take effect upon becoming a law the public welfare requiring it; for all other purposes this act shall take effect July 1, 1988, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hillis moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1710 by deleting in SECTION 5 (e) the words "Petroleum inactive site" and by substituting instead, the words, "Inactive petroleum site".

AND FURTHER AMEND by deleting in SECTION 6 the language which reads "It shall be unlawful and will subject a violator to the penalties of Section 22 of this act to:" and by substituting instead words "It shall be unlawful to:".

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AND FURTHER AMEND by deleting in SECTION 9 the existing designation "(g)" and by substituting instead the designation "(9)".

AND FURTHER AMEND by deleting the existing language of Section 9(h) in its entirety and by substituting the following:

(g) The commissioner or board shall approve the cleanup plan only if it assures that implementation of the plan will provide adequate protection of human health, safety, and the environment. In making this determination, the commissioner or board shall consider:

(1) The physical and chemical characteristics of petroleum, including its toxicity, persistence, and potential for migration;

(2) The hydrogeologic characteristics of the petroleum site and the surrounding land;

(3) The proximity, quality, and current and future uses of ground water;

(4) An exposure assessment; and

(5) The proximity, quality, and current and future uses of surface waters.

Upon approval of the cleanup plan, the owners and/or operators shall implement the plan and monitor, evaluate, and report the results of implementation, as required by the commissioner or board.

AND FURTHER AMEND by deleting in SECTION 22 (a) the words and figures "(1) Any person violating any provision of this chapter, or failing, neglecting or refusing to comply with any orders issued by the commissioner or board" and by substituting instead the words:

Any person who endangers the public health or safety by willingly and wantonly releasing petroleum in violation of this act, rules, regulations or orders of the commissioner or board".

AND FURTHER AMEND by deleting subdivision (a)(2) of SECTION 22 in its entirety.

AND FURTHER AMEND by deleting the second sentence of SECTION 22 (b) in its entirety.

AND FURTHER AMEND by deleting the word "thereof;" in subdivision (1) of the amendatory language of SECTION 26 and by substituting instead the words "thereof; or".

AND FURTHER AMEND by deleting the semicolon at the end of SECTION 26 and by substituting instead a period.

AND FURTHER AMEND by deleting SECTION 29 in its entirety and by renumbering the remaining sections accordingly.

On motion, Amendment No. 2 was adopted.

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Rep. Hillis moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1710 by inserting the following new section immediately preceding the severability clause section and by renumbering subsequent sections accordingly:

SECTION ___. Notwithstanding any provision of law to the contrary, all releases of petroleum or petroleum products from petroleum underground storage tanks shall be solely and exclusively regulated pursuant to the provisions of this act and rules and regulations promulgated to implement the provisions of this act.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 4

Amend House Bill No. 1710 by adding a new appropriately designated subsection to Section 12 as follows:

() Monies in the account shall be invested by the state treasurer for the benefit of the fund pursuant to Tennessee Code Annotated, Section 9-4-603. The fund shall be administered by the commissioner of health and environment.

On motion, Amendment No. 4 was adopted.

Rep. Starnes moved to amend as follows:

Amendment No. 5

Amend House Bill No. 1710 by deleting in the amendatory language of Section 14(a) the words and figures "seven (7) members" and by substituting instead the words and figures "nine (9) members".

AND FURTHER AMEND by adding the following new item (8) to Section 14(a) and by redesignating the existing items accordingly:

(8) Two (2) citizens, to be appointed by the governor, who are consumers of petroleum products and are not affiliated with the Tennessee Association of Business, the Tennessee Petroleum Council, the Tennessee Oil Marketers Association, the Tennessee Retail Gasoline Dealers Association, the Tennessee Environmental Council, and the Tennessee Municipal League.

AND FURTHER AMEND by adding the following language to the end of Section 14(b):

The members named in subsection (a)(8) shall be appointed for a term of three (3) years.

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AND FURTHER AMEND in Section 15(c) by deleting the words and figure "Four (4) members" and by substituting instead the words and figure "Five (5) members".

On motion, Amendment No. 5 was adopted.

Rep. Starnes moved to amend as follows:

Amendment No. 6

Amend House Bill No. 1710 by deleting in Section 22(a) in the first sentence the word "willingly" and substituting "willfully" in lieu thereof.

On motion, Amendment No. 6 was adopted.

Thereupon, Rep. Starnes moved that House Bill No. 1710, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 2048 -- Aircraft and Airports -- Increases membership of metropolitan airport authorities. Amends TCA, Title 42, Chs. 3, 4.

Rep. West moved that House Bill No. 2048 be passed on third and final consideration.

Rep. Love moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2048 by deleting all of the language following the enacting clause and inserting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 42-4-105(a)(1)(B), is amended by deleting from the first sentence the language "nine (9)", and by substituting instead the language "ten (10)".

Section 42-4-105(a)(1)(B), is further amended by inserting the following language between the third and fourth sentences:

The new position on the board of commissioners provided for in this section shall be the mayor of the county having a metropolitan form of government or his designee. Such commissioner shall have full voting rights on the board.

SECTION 2. Tennessee Code Annotated, Section 42-4-105(d)(1), is amended by adding the following language as a new sub-part (C):

(C) Notwithstanding any other provision of the law to the contrary, the commissioners appointed to the board pursuant to subsection (a)(1)(B) on and after the effective date of this act in any county having a metropolitan form of government shall be appointed for a term of four (4) years.

SECTION 3. Nothing in this act shall be construed as having the effect of removing any appointee from office prior to the end of the term for which he was appointed.

SECTION 4. This act shall take effect on July 1, 1988, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Swann moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2048 by deleting Section 3 and substituting instead the following new sections:

SECTION 3. Tennessee Code Annotated, Sections 42-3-116 and 42-4-102 are amended by adding the following new language to the end of both sections:

Provided, however, if the airport is located entirely in a county other than the principle county of the municipality which created the airport authority, then the airport authority shall make payments in lieu of county and municipal real property taxes. The payments shall be annually rendered to the county and municipality in which the airport is located. Such payments shall total an amount equal to the amount that would, in the absence of the exemption created by this section, be due the county and municipality as real property taxes on that portion of the airport authority's land and interests in

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land which have commercial use but which are not utilized exclusively for taxiways, pads, aprons, control towers, passenger terminal facilities, cargo terminal facilities, aircraft hangars, aircraft maintenance facilities, navigation aids, landing aids, airport administration office facilities, or other improvements and structures essential for the safe operation of an airport.

SECTION 4. For the purposes of appointing additional commissioners, this act shall take effect July 1, 1988, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 1989, the public welfare requiring it.

Rep. Miller moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	52
Noes.	27
Present and not voting.	6

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Clark, Collier, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Herron, Hillis, Hobbs, Holt, Ivy, Jackson, Jared, Jones, U. (Shelby), Kernell, Kisber, Love, Miller, Moore (Lawrence), Naifeh, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Winningham, Yelton, Mr. Speaker Murray -- 52.

Representatives voting no were: Cain, Chiles, Coffey, Davis (Cocke), Duer, Frensey, Harrill, Hassell, Hawkins, Head, Henry, Holcomb, Hurley, Kent, Lawson, McAfee, Montgomery, Moody, Nance, Napier, Stafford, Swann, Tankersley, Webb, Williams, Wolfe, Wood -- 27.

Representatives present and not voting were: Crain, Davis (Gibson), Good, Long, West, Wix -- 6.

Rep. Swann moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2048 by adding the following new section before the effective date section and by renumbering the effective date section date accordingly:

SECTION __. Tennessee Code Annotated, Section 42-4-105(a)(1)(A), is amended by adding the following language at the end of the subpart:

Provided, however, the governing body of the authority of an airport located in a county different from the county where the owning municipality is located shall have one (1) additional member. The additional member shall be a resident of the county in which such airport is located. The mayor of the owning municipality shall appoint such person from a list of three (3) persons chosen by the county executive of the county in which such airport is located.

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Rep. Miller moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	53
Noes.	27
Present and not voting.	8

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Chiles, Clark, Collier, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Ellis, Gaia, Garrett, Hillis, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, Love, Miller, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Winningham, Wix, Mr. Speaker Murray -- 53.

Representatives voting no were: Cain, Coffey, Dixon, Duer, Frensley, Harrill, Hassell, Hawkins, Head, Henry, Holcomb, Hurley, Kent, Kernell, Lawson, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Robinson (Washington), Stafford, Swann, Tankersley, Williams, Wolfe, Wood -- 27.

Representatives present and not voting were: Good, Herron, Hobbs, Long, Webb, West, Whitson, Yelton -- 8.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	54
Noes.	26
Present and not voting.	7

Representatives voting aye were: Bell, Bragg, Buck, Burnett, Bushing, Byrd, Clark, Collier, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Garrett, Hassell, Herron, Hillis, Hobbs, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Kernell, Kisber, Long, Love, Miller, Moore (Lawrence), Naifeh, Napier, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Winningham, Wix, Mr. Speaker Murray -- 54.

Representatives voting no were: Chiles, Coffey, Davis (Cocke), Duer, Frensley, Gaia, Harrill, Hawkins, Henry, Holcomb, Hurley, Kent, Lawson, McAfee, Montgomery, Moody, Nance, Odom, Robinson (Washington), Stafford, Swann, Tankersley, Webb, Williams, Wolfe, Wood -- 26.

Representatives present and not voting were: Bivens, Cain, Good, Head, Moore (Shelby), Whitson, Yelton -- 7.

Thereupon, Rep. West moved that House Bill No. 2048, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	58
Noes.	23
Present and not voting.	6

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Representatives voting aye were: Bell, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix, Mr. Speaker Murray -- 58.

Representatives voting no were: Chiles, Coffey, Duer, Frensley, Harrill, Hassell, Hawkins, Henry, Holcomb, Kent, McAfee, Montgomery, Nance, Robinson (Washington), Scruggs, Severance, Stafford, Tankersley, Ussery, Whitson, Williams, Wolfe, Wood -- 23.

Representatives present and not voting were: Good, Moore (Shelby), Odom, Swann, Webb, Yelton -- 6.

A motion to reconsider was tabled.

***House Bill No. 0125 -- Historical Sites -- Creates Cloverbottom Association to operate and manage Cloverbottom Mansion. Amends TCA, Title 4.**

On motion, House Bill No. 125 was made to conform with Senate Bill No. 381.

On motion, **Senate Bill No. 381**, on same subject, was substituted for House Bill No. 125.

Rep. West moved that Senate Bill No. 381 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 381 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act and approved by the commissioner of finance and administration.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 381 by deleting Sections 1 through 9 in their entirety and substitute the following:

Section 1. The commissioner of conservation is authorized to contract with the Cloverbottom Association, subject to the approval of the state building commission, for their assistance in the renovation, repair, maintenance, operation and preservation of the Cloverbottom Mansion located in Davidson County.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that Senate Bill No. 381, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 2100 -- Banks and Financial Institutions -- Increases net worth and bond requirements for money order issuers. Amends TCA, Title 45, Ch. 7, Pt. 1.

On motion, House Bill No. 2100 was made to conform with Senate Bill No. 2175.

On motion, **Senate Bill No. 2175**, on same subject, was substituted for House Bill No. 2100.

Rep. Davidson moved that Senate Bill No. 2175 be passed on third and final consideration.

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Rep. Davidson moved that Senate Bill No. 2175 be reset on the Calendar for Thursday, April 28, 1988, which motion prevailed.

House Bill No. 0963 -- Occupational Licenses and Licensing Boards -- Regulates home improvement business. Amends TCA, Title 62.

On motion, House Bill No. 963 was made to conform with Senate Bill No. 935.

On motion, **Senate Bill No. 935**, on same subject, was substituted for House Bill No. 963.

Rep. C. Turner (Shelby) moved passage of Senate Bill No. 935 on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	1
Present and not voting.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrance), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representative voting no was: Lawson -- 1.

Representative present and not voting was: Head -- 1.

A motion to reconsider was tabled.

House Bill No. 1828 -- Claims Commission, Tennessee -- Permits claims commission to hear certain claims based on contracts between certain property owners and Chickasaw Basin Authority. Amends TCA, Title 9, Ch. 8.

Rep. C. Turner (Shelby) moved that House Bill No. 1828 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1828 by deleting from Section 1, subsections (a) and (b) in their entirety and by substituting instead the following:

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(a) Notwithstanding any other provisions of the law to the contrary, the Tennessee claims commission shall have the authority to hear and determine the claim of any property owner whose land was condemned by the Chickasaw Basin Authority for the purpose of allowing such authority to create a lake in Shelby County and who, because of litigation to which the property owner was not a party or because the condemnation procedures were abandoned or failed, may have suffered monetary damages or loss of land.

(b) If the commission finds that a property owner filing a claim pursuant to this section suffered such loss because the condemnation efforts of the Chickasaw Basin Authority failed because of events or court orders over which the Chickasaw Basin Authority had no control or because such condemnation was abandoned by the Chickasaw Basin Authority and that equity requires that the property owner be compensated for damages resulting from the failure or abandonment of such condemnation proceedings, it may award any such property owner damages in any amount not exceeding the fair market value of the land at the time of condemnation. The land owner shall not be entitled to recover such individual damages as interest, penalties, or attorney fees.

AND FURTHER AMEND by deleting the word "Any" in subsection (d) and substituting instead the following language:

The provisions of this act shall apply to all claims arising since the formation of the Chickasaw Basin Authority and any

On motion, Amendment No. 1 was adopted.

Rep. C. Turner (Shelby) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1828 by adding a new subsection (e) to Section 2 of the bill to read as follows:

(e) Payments for awards made under the provisions of this act shall be charged to the unobligated or unexpended balance of the Chickasaw River Basin Authority in the Bond and Construction Fund and/or to the capital outlay appropriation made under the provisions of Senate Bill 2106 - House Bill 1712 (Public Chapter __) (General Appropriations Act) to the Chickasaw River Basin Authority.

On motion, Amendment No. 2 was adopted.

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Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 1828, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 0270 -- Occupational Licenses and Licensing Boards -- Revises various provisions of real estate broker licensure law. Amends TCA, Title 62, Ch. 13.

On motion, House Bill No. 270 was made to conform with Senate Bill No. 583.

On motion, **Senate Bill No. 583**, on same subject, was substituted for House Bill No. 270.

Rep. West moved that Senate Bill No. 583 be passed on third and final consideration.

Rep. West moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 583 by deleting from Section 14 the language "on July 1, 1987," and substituting instead the language "upon becoming a law,".

On motion, Amendment No. 1 was adopted.

Rep. West moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 583 by deleting Section 1 in its entirety.

On motion, Amendment No. 2 was adopted.

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Rep. Stafford moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 583 by deleting Section 3 in its entirety and renumbering the subsequent sections accordingly.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. West moved that Senate Bill No. 583, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representative voting no was: Turner, L. (Shelby) -- 1.

A motion to reconsider was tabled.

Mr. Speaker Murray resumed the Chair.

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

*House Bill No. 1127 -- Partnerships -- Revises certain provisions concerning limited partnerships. Amends TCA, Title 61, Ch. 2.

Further consideration of House Bill No. 1127, previously considered on March 28 and April 14, 1988.

On motion, House Bill No. 1127 was made to conform with Senate Bill No. 1130.

On motion, Senate Bill No. 1130, on same subject, was substituted for House Bill No. 1127.

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Rep. Dixon moved that Senate Bill No. 1130 be passed on third and final consideration.

Rep. Tanner moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1130 by adding the following new section before the effective date section:

Section ____ . The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act for the fiscal year 1988-1989.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that Senate Bill No. 1130, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purceli, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representative voting no was: Scruggs -- 1.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 0136 -- Memorials, Recognition and Thanks -- Recognizes the contributions of Kimberly Sipes.

House Resolution No. 0137 -- Memorials, Sports -- Honors Coach Robert Harris and Cannon County High School girls' basketball team on finishing second in TSSAA Class AA state tournament.

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House Resolution No. 0138 -- Memorials, Condolence -- Honors memory of Thomas Harold Vickers.

House Resolution No. 0139 -- Memorials, Sports -- Honors John Darden, Knoxville News Sentinel's Coach of the Year.

House Resolution No. 0140 -- Memorials, Retirement -- Honors Dr. Robert L. Saunders on retirement as Dean of College of Education at MSU.

House Resolution No. 0141 -- Memorials, Public Service -- Honors Rhodes College students for traveling to Mexico and helping those in need.

House Resolution No. 0142 -- Memorials, Congratulations -- Honors Bellevue Jr. High School students for academic achievement.

House Resolution No. 0143 -- Memorials, Public Service -- Commends Josephine Binkley.

House Joint Resolution 0736 -- Memorials, Sports -- Honors Wayne County High School girls' basketball team, runner-up in state tournament.

House Joint Resolution 0737 -- Memorials, Sports -- Honors Waynesboro Middle School boys' basketball team for undefeated season.

House Joint Resolution 0738 -- Memorials, Condolence -- Honors memory of Michelle Morgan.

House Joint Resolution 0739 -- Memorials, Condolence -- Honors memory of Jennifer Goodwin.

House Joint Resolution 0740 -- Memorials, Sports -- Honors Loretto High School Lady Mustangs basketball team on outstanding season.

House Joint Resolution 0741 -- Memorials, Sports -- Honors Coach Pat Head Summitt and University of Tennessee women's basketball team on reaching Final Four.

House Joint Resolution 0742 -- Memorials, Retirement -- Honors Frank McKenney Pointer on retirement from Army National Guard.

House Joint Resolution 0743 -- Memorials, Recognition and Thanks -- Honors Dan Allen Pence, 1988 legislative intern.

House Joint Resolution 0745 -- Memorials, Professional Achievement -- Honors the career of Jack Norman, Sr.

House Joint Resolution 0746 -- Memorials, Heroism -- Honors John T. Kesler for saving life of child in burning house.

House Joint Resolution 0747 -- Memorials, Congratulations -- Honors Mrs. Kate Wade Jackson on 100th birthday.

House Joint Resolution 0748 -- Memorials, Retirement -- Honors Elizabeth Culmer, Martha House, Helen Miller and Vahness Moore on retirement from A.B. Hill Elementary School.

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House Joint Resolution 0749 -- Memorials, Sports -- Honors Tommy Prothro on being selected a member of the Tennessee Sports Hall of Fame.

House Joint Resolution 0750 -- Memorials, Sports -- Honors Claude Humphrey on selection to Tennessee Sports Hall of Fame.

House Joint Resolution 0753 -- Memorials, Sports -- Honors Herbert Wright Jr. on receipt of Junior College/Community College Award.

House Joint Resolution 0755 -- Memorials, Recognition and Thanks -- Honors Jason Henley, 1988 legislative intern.

House Joint Resolution 0756 -- Memorials, Public Service -- Honors 1st Sergeant Robert L. Talbott, U.S. Army, Ret. on contributions to education of youth.

House Joint Resolution 0757 -- Memorials, Retirement -- Honors Ray Pegram on his retirement as a voting machine technician with Davidson County Election Commission.

House Joint Resolution 0758 -- Memorials, Professional Achievement -- Congratulates Malcolm E. Baird on receipt of 1987 Aviation Modal Award.

House Joint Resolution 0759 -- Memorials, Retirement -- Honors Jack Morgan Cooper on retirement from Illinois Central Gulf Railroad.

House Joint Resolution 0761 -- Memorials, Sports -- Honors and recognizes Strolling Jim 40 Run.

House Joint Resolution 0762 -- Memorials, Recognition and Thanks -- Honors Ermin A. Amaba, 1988 legislative intern.

House Joint Resolution 0763 -- Memorials, Congratulations -- Honors Kevin Petroff on receipt of Eagle Scout award.

House Joint Resolution 0765 -- Memorials, Public Service -- Honors Christy F. Finley for employee suggestion award.

Senate Joint Resolution 0452 -- Memorials, Personal Achievement -- Honors William W. Barbour.

Senate Joint Resolution 0454 -- Memorials, Recognition and Thanks -- Honors Thomas W. McKee, 1988 legislative intern.

Senate Joint Resolution 0455 -- Memorials, Recognition and Thanks -- Honors Susan R. Lunsford, 1988 legislative intern.

Senate Joint Resolution 0457 -- Memorials, Sports -- Congratulates Debbie Hawhee on receipt of Gill Gideon "Miss Basketball" award.

Senate Joint Resolution 0460 -- Memorials, Professional Achievement -- Honors Dr. William H. Frist on contributions to organ transplantation.

Senate Joint Resolution 0463 -- Memorials, Public Service -- Honors Glen Swift.

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Senate Joint Resolution 0464 -- Memorials, Condolence -- Honors memory of Jake Boyd.

Senate Joint Resolution 0465 -- Memorials, Professional Achievement -- Honors Kathy Hawk on selection as 1988 Outstanding Art Educator of the Year.

Senate Joint Resolution 0466 -- Memorials, Sports -- Honors George Lapides for work in Memphis athletic community.

Senate Joint Resolution 0472 -- Memorials, Recognition and Thanks -- Honors Richard Matlock, 1988 legislative intern.

House Bill No. 2477 -- White Bluff -- Increases salary of mayor and aldermen. Amends Chapter 257, Private Acts of 1923, as amended.

House Bill No. 2478 -- Dickson County -- Authorizes government hotels to charge occupancy tax. Amends Chapter 25, Private Acts of 1987.

House Bill No. 2487 -- Tiptonville -- Revises certain provisions relative to charter. Amends Chapter 393, Acts of 1907, as amended.

House Bill No. 2488 -- Dickson County -- Requires motor vehicle tax sticker be placed on designated place on license plate. Amends Chapter 206, Private Acts of 1976, as amended.

House Bill No. 2492 -- Dyersburg -- Establishes new school board. Amends Chapter 410, Acts of 1903, as amended.

House Bill No. 2498 -- Dickson County -- Changes location of affixing tax decal; provides free wheel stickers to certain persons. Amends Chapter 206, Private Acts of 1976.

House Bill No. 2502 -- Clarksville -- Establishes procedure for pensioning of officers and employees. Amends Chapter 252, Private Acts of 1929, as amended.

House Bill No. 2508 -- Elkton -- Revises duties and authority of police department. Amends Chapter 296 of Private Acts of 1972 as amended.

Rep. Kisber moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron,

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Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

BILL RECALLED

Pursuant to **Rule No. 53**, Rep. Hurley moved to recall House Joint Resolution No. 694 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

House Joint Resolution 0694 -- Memorials, Public Service -- Declares April 23 and 24, 1988 as "Pi Kappa Phi 'Push' Weekend". by *Hurley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hurley, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***Senate Bill No. 1445** -- Correction, Dept. of -- Deletes requirement that department notify Senate and House State and Local Government Committees of furloughs granted. Amends TCA 41-21-227.

Rep. Miller moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 1445, which motion prevailed.

***House Bill No. 2272** -- Taxes -- Revises Tennessee Local Option Revenue Acts. Amends TCA, Title 67, Ch. 6, Pt. 7.

Senate Amendment No. 1

Amend House Bill No. 2272 by substituting for Section 1 thereof the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-712, is amended by designating the existing language as subsection (a) and by substituting the word "subdivisions" for the word "subsections" in the second line of paragraph (3) thereof.

Tennessee Code Annotated, Section 67-6-712, is further amended by adding a new subsection (b) as follows:

(b) County trustees, in counties having populations of seven hundred thousand (700,000) persons or more according to the 1980 federal census or any subsequent federal census shall not be entitled to receive compensation for receiving and distributing the taxes under subsection (a) notwithstanding the provisions of Section 8-11-110 or any other law to the contrary.

Senate Amendment No. 2

Amend House Bill No. 2272 by adding the following new section to immediately precede the effective date section:

SECTION _____. The provisions of this act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the secretary of state.

Rep. Moore (Shelby) moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1862; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 468; amended and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 779 out of order, which motion prevailed.

House Joint Resolution 0779 -- Memorials, Congratulations -- Congratulates Betty Kay Francis on appointment as Chief Engrossing Clerk of House of Representatives. by *Turner B.

On motion, the rules were suspended for the immediate consideration of the resolution, with the request that all members voting aye be added as sponsors.

On motion of Rep. Turner (Hamilton), the resolution was adopted by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

MOTION

Rep. Duer made the following motion relative to Senate Bill No. 1309, which will pass second consideration later today.

***Senate Bill No. 1309 -- County Boundaries --** Makes certain changes in boundary line separating Cumberland and Putnam counties. by *Burks.

With the permission of the Chairman of State and Local and the Vice Chairman of Calendar and Rules, I move that the bill be held on the Clerk's desk rather than referred to committee, to be considered for passage Monday night under Unfinished Business. The motion prevailed.

NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to Rule No. 59, the sponsors gave notice of intent to consider the following measure from the Senate on Monday, April 25, 1988:

House Bill No. 1862: Rep. Miller.

House Joint Resolution No. 468: Rep. Pruitt.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 2175, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

House Bill No. 2175 -- Loan Companies -- Enacts "Tennessee Residential Lending Brokerage and Servicing Act of 1988". by *Naifeh, *Kisber, Tanner, West.

MOTION TO RECONSIDER

Rep. Naifeh moved to reconsider House action in nonconcurring in Senate Amendment No. 2 to House Bill No. 2175, which motion prevailed.

Rep. Naifeh moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

MOTION

Rep. Bragg made the following explanation to his motion of Wednesday, April 20, 1988:

MR. SPEAKER: Yesterday I moved to suspend Rule 81-(1) to allow all bills reported out of Finance, Ways and Means today to go directly to Calendar and Rules. It was my intent at that time to suspend the rule so that these bills could be placed on the Calendar and Rules Committee calendar for Tuesday, April 26, 1988, and I so move.

RULES SUSPENDED

Rep. Bragg moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee so that House Bill No. 2324 can be heard by the Finance, Ways and Means Committee on Thursday, April 21, 1988, which motion prevailed.

*House Bill No. 2324 -- Taxes, Income -- Creates new exemption from state income tax for interest income to mortgagee from mortgage on real estate. Amends TCA 62-2-104. by *Bragg.

RULES SUSPENDED

Rep. Moore (Shelby) moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee so that Senate Bill No. 38 can be heard by the Calendar and Rules Committee on Tuesday, April 26, 1988, which motion prevailed.

Senate Bill No. 0038 -- Collierville -- Enacts new charter for Collierville. Repeals Ch. 217, Acts of 1903, as amended. by *Dunavant.

RULES SUSPENDED

Rep. Swann moved that the rules be suspended for the purpose of passing House Bill No. 2525 on first consideration, which motion prevailed.

House Bill No. 2525 -- Blount County -- Authorizes improvements by special assessment. by *Swann, *Huskey.

BILL RE-REFERRED

Rep. Dixon moved that House Joint Resolution No. 693 be recalled from the General Welfare Committee and referred to the Calendar and Rules Committee, which motion prevailed.

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***House Joint Resolution No. 0693** -- General Assembly, Studies -- Creates special joint committee to study biotechnology. by *Dixon.

BILL RE-REFERRED

Rep. Clark moved that House Bill No. 2289 be recalled from the Calendar and Rules Committee and referred to the Finance, Ways, and Means Committee.

House Bill No. 2289 -- Unemployment Compensation -- Revises certain provisions relative to maximum benefits available to eligible unemployment compensation claimants. Amends TCA 50-7-301. by *Burnett, *Ridgeway, *Ellis, *Clark.

Pursuant to **Rule No. 53**, Reps. Clark and Ellis announced that on Monday, April 25, 1988 they would move to recall House Bill No. 2289 from the Finance, Ways and Means Committee to the floor of the House for consideration.

BILL RECALLED

Pursuant to **Rule No. 54**, Rep. U. Jones (Shelby) moved that the Clerk request the return of Senate Bill No. 2224 from the Senate, which motion prevailed.

Senate Bill No. 2224 -- Racing -- Adds factors for commission to consider in locating track; prohibits question at special elections. Amends TCA 4-36-302, 4-36-401.

RULES SUSPENDED

Rep. Davis (Gibson) moved that the rules be suspended for the purpose of passing House Bill No. 2527 on first consideration, which motion prevailed.

House Bill 2527 -- School Districts -- Sets property tax rate for Trenton Special School District. Amends Chapter 144. Private Acts of 1975, as amended. by *Davis Ray.

RULES SUSPENDED

Rep. Kernell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Bill No. 1706 can be heard by the Finance, Ways, and Means Committee on Thursday, April 21, 1988, which motion prevailed.

House Bill No. 1706 -- Law Enforcement -- Requires reports to Department of Correction on pretrial misdemeanor detainees. by *Kernell.

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RULES SUSPENDED

Rep. Drew moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee so that House Bill No. 424 can be heard by the Finance, Ways, and Means Committee on Thursday, April 21, 1988, which motion prevailed.

House Bill No. 424 -- Education, Dept. of -- Enacts the "Model College Access and Adult Literacy Program". by *Drew.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1712: Reps. Moore (Lawrence) and Hobbs added as prime sponsors.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0144 -- Memorials -- Honors St. Agnes Academy twentieth year class reunion. by *Nance.

The Speaker referred House Resolution No. 144 to the Calendar and Rules Committee.

House Resolution No. 0145 -- Memorials, Public Service -- Honors president, officers and staff of Bank of East Tennessee. by *Drew.

The Speaker referred House Resolution No. 145 to the Calendar and Rules Committee.

House Resolution No. 0146 -- Memorials, Congratulations -- Congratulates eight East Tennessee students on winning Fair Housing Poster Contest. by *Drew.

The Speaker referred House Resolution No. 146 to the Calendar and Rules Committee.

House Resolution No. 0147 -- Memorials, Congratulations -- Honors Joe and JoBlau LaRue on their fiftieth wedding anniversary. by *Burnett.

The Speaker referred House Resolution No. 147 to the Calendar and Rules Committee.

House Joint Resolution 0766 -- Memorials, Sports -- Honors Dr. Judd W. Colinger, Jr. as Unicoi County High School football team doctor. by *Whitson.

The Speaker referred House Joint Resolution No. 766 to the Calendar and Rules Committee.

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***House Joint Resolution 0767** -- Naming and Designating -- Designates "Norris Bridge" on I-181 over Dry Creek. by *Whitson.

The Speaker referred House Joint Resolution No. 767 to the Calendar and Rules Committee.

House Joint Resolution 0768 -- Memorials, Sports -- Honors Coach Charlie Baxter and Unicoi County High School baseball team. by *Whitson.

The Speaker referred House Joint Resolution No. 768 to the Calendar and Rules Committee.

House Joint Resolution 0769 -- Memorials, Sports -- Honors Avoca Junior League 13 year old All Star team as state champions. by *Holcomb.

The Speaker referred House Joint Resolution No. 769 to the Calendar and Rules Committee.

***House Joint Resolution 0770** -- General Assembly, Proclamations -- Proclaims May 15, 1988 as "Police Memorial Day" and May 15-21 as "Police Memorial Week". by *Jared.

The Speaker referred House Joint Resolution No. 770 to the State and Local Government Committee.

House Joint Resolution 0774 -- Memorials, Recognition and Thanks -- Honors Tonda Mott, 1988 legislative intern. by *Buck, *Turner C, *Curlee, *Cross, *Turner B, *Davis J K, *Moody, *Holcomb, *Williams K, *Purcell, *Jared, *Burnett, *Clark, *Harrill.

The Speaker referred House Joint Resolution No. 774 to the Calendar and Rules Committee.

House Joint Resolution 0775 -- Memorials, Public Service -- Honors Lorene Jones on selection as Outstanding Neighborhood Leader of the Year. by *Jones R.

The Speaker referred House Joint Resolution No. 775 to the Calendar and Rules Committee.

House Joint Resolution 0776 -- Memorials, Recognition and Thanks -- Commends Shannon Richardson, 1988 legislative intern. by *Naifeh, *Crain, *Stallings, *Tanner, *Davis Ray, *Kisber, *Ivy, *Ridgeway, *Collier, *Herron.

The Speaker referred House Joint Resolution No. 776 to the Calendar and Rules Committee.

House Joint Resolution 0777 -- Memorials -- Honors Louise Bodiford Byrd for a lifetime of contributions to her family, church and community. by *Turner C.

The Speaker referred House Joint Resolution No. 777 to the Calendar and Rules Committee.

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House Joint Resolution 0778 -- Memorials, Professional Achievement -- Honors Dr. James C. Hunt on receipt of Distinguished Service award of Tennessee Medical Association. by *Naifeh, *Holt, *Davis Ray, *Kent, *Jackson, *Crain, *Hassell, *Moore Calvin, *Kisber, *Ivy, *Stallings, *Shirley, *Nance, *Cain, *Williams K, *Collier, *Ridgeway, *Tanner, Bragg, Turner L, Jones R, Moore U A, King.

The Speaker referred House Joint Resolution No. 778 to the Calendar and Rules Committee.

House Joint Resolution 0780 -- Memorials, Congratulations -- Honors 20th anniversary of Goodyear Tire and Rubber Company in Union City. by *Tanner.

The Speaker referred House Joint Resolution No. 780 to the Calendar and Rules Committee.

House Joint Resolution 0781 -- Memorials, Public Service -- Honors Matthew R. Davis for contributions to Memphis. by *Jones U, *King, *Jones R, Dixon, Pruitt, DeBerry, Turner L.

The Speaker referred House Joint Resolution No. 781 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution 0476 -- Memorials, Recognition and Thanks -- Honors Sandra Lynn Stapleton, 1988 legislative intern.

The Speaker referred Senate Joint Resolution No. 476 to the Calendar and Rules Committee.

Senate Joint Resolution 0483 -- Memorials, Personal Achievement -- Congratulates Kirstie Baker on graduation from O'More School of Design.

The Speaker referred Senate Joint Resolution No. 483 to the Calendar and Rules Committee.

Senate Joint Resolution 0487 -- Memorials, Professional Achievement -- Honors Herbert Meece for his contributions to the General Assembly.

The Speaker referred Senate Joint Resolution No. 487 to the Calendar and Rules Committee.

Senate Joint Resolution 0490 -- Memorials, Professional Achievement -- Honors Preston John Hubbard of Austin Peay State University on career in higher education.

The Speaker referred Senate Joint Resolution No. 490 to the Calendar and Rules Committee.

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Senate Joint Resolution 0492 -- Memorials, Retirement -- Honors J. Neil Ensminger on retirement from Daily Post Athenian.

The Speaker referred Senate Joint Resolution No. 492 to the Calendar and Rules Committee.

Senate Joint Resolution 0498 -- Memorials, Professional Achievement -- Honors Turner Kirkland, Chairman of the Board of Dixie Gun Works, Inc.

The Speaker referred Senate Joint Resolution No. 498 to the Calendar and Rules Committee.

Senate Joint Resolution 0499 -- Memorials, Recognition and Thanks -- Honors April Branche, 1988 intern for Governor McWherter's legislative staff.

The Speaker referred Senate Joint Resolution No. 499 to the Calendar and Rules Committee.

Senate Joint Resolution 0500 -- Memorials, Recognition and Thanks -- Honors Lance Webb, intern for Governor McWherter's legislative staff.

The Speaker referred Senate Joint Resolution No. 500 to the Calendar and Rules Committee.

Senate Joint Resolution 0501 -- Memorials, Recognition and Thanks -- Honors Katherine Michelle Carter, 1988 legislative intern.

The Speaker referred Senate Joint Resolution No. 501 to the Calendar and Rules Committee.

Senate Joint Resolution 0502 -- Memorials, Recognition and Thanks -- Honors Willie Borchert and West Tennessee fishermen for Rural West Tennessee Caucus Fish Fry.

The Speaker referred Senate Joint Resolution No. 502 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 2517 -- Hardeman County -- Levies hotel/motel tax. by *Stallings.

Passed first consideration.

House Bill No. 2518 -- Jackson -- Provides for optional payment of retirement benefits for street workers. Amends Chapter 870, Private Acts of 1949, as amended. by *Kisber, *Tankersley.

Passed first consideration.

House Bill No. 2519 -- Jackson -- Provides for optional payment for retirement benefits for police and firemen. Amends Chapter 150, Private Acts of 1943, as amended. by *Kisber, *Tankersley.

Passed first consideration.

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House Bill No. 2520 -- Anderson County -- Abolishes popularly elected school superintendent; urges county commission to take action to abolish office. Repeals Chapter 272, Private Acts of 1978. by *Wheeler, *Coffey.

Passed first consideration.

House Bill No. 2521 -- Pickett County -- Regulates solid waste, hazardous or toxic waste landfills. by *Winningham.

Passed first consideration.

House Bill No. 2522 -- School Districts -- Revises tax rate in Franklin Special School District. Amends Chapter 563, Private Acts of 1949, as amended. by *Frensey, *Hobbs.

Passed first consideration.

House Bill No. 2523 -- Franklin -- Changes certain city officials terms of office. Amends Chapter 79, Acts of 1903, as amended. by *Frensey, *Hobbs.

Passed first consideration.

House Bill No. 2524 -- Dickson -- Authorizes joint projects between Dickson and Sam Houston Utility District. by *Jackson.

Passed first consideration.

SENATE BILLS ON SECOND CONSIDERATION

***Senate Bill No. 1309** -- County Boundaries -- Makes certain changes in boundary line separating Cumberland and Putnam counties.

Passed second consideration and held on the Clerk's desk.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2511 -- Municipal Government -- Passed second consideration and held on the Clerk's desk.

***House Bill No. 2512** -- Winchester -- Passed second consideration and held on the Clerk's desk.

***House Bill No. 2513** -- Franklin County -- Passed second consideration and held on the Clerk's desk.

House Bill No. 2516 -- Byrdstown -- Passed second consideration and held on the Clerk's desk.

THURSDAY, APRIL 21, 1988 -- EIGHTY-SIXTH LEGISLATIVE DAY

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 75 (with amendment), 412, 945 (with amendment), 1367 (with amendment), 1463, 1503, 1705, 1706, 2091 (with amendment), 2250, 2280 and 2331; and recommend for concurrence: Senate Joint Resolution No. 411.

BRAGG, Chairman.

Under the rules, House Bills Nos. 75 (with amendment), 412, 945 (with amendment), 1367 (with amendment), 1463, 1503, 1705, 1706, 2091 (with amendment), 2250, 2280 and 2331; and Senate Joint Resolution No. 411 were transmitted to the Committee on Calendar and Rules.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1564 and 1732; House Resolutions Nos. 131, 132 and 134; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 2480, 2491 and 2509; and House Joint Resolution No. 710.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1564 and 1732; House Resolutions Nos. 131, 132 and 134.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1758 and 2431; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, APRIL 21, 1988 -- EIGHTY-SIXTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 453 and 483; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 462, 687, 689, 690, 692, 695, 696, 697, 728 and 729; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 2249; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 462, 687, 689, 690, 692, 695, 696, 728 and 729; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 453, 483 and 697; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 453, 462, 483, 687, 689, 690, 692, 695, 696, 697, 728 and 729.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2131 and 2329; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 418, 422, 468, 469, 470, 471 and 495; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution 0418 -- Naming and Designating -- Designates drill hall at National Guard Armory in Chattanooga as "General Carl E. Levi Drill Hall".

***Senate Joint Resolution 0422** -- General Assembly, Studies -- Provides for creation of a special joint committee to study rail commuter service.

Senate Joint Resolution 0468 -- Memorials, Sports -- Honors Science Hill High School boys' basketball team on reaching TSSAA tournament.

Senate Joint Resolution 0469 -- General Assembly, Proclamations -- Designates May 15 to 21, 1988 as "Police Memorial Week" and May 18, 1988 as "Police Memorial Day".

Senate Joint Resolution 0470 -- Memorials, Sports -- Honors Loudon County High School basketball team for outstanding season.

Senate Joint Resolution 0471 -- Memorials, Recognition and Thanks -- Commends Alex R. Fischer, 1988 UT legislative intern.

Senate Joint Resolution 0495 -- Memorials, Retirement -- Honors John Richardson Rucker on his retirement from the Tennessee Senate.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 2534 and 2535; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2534 -- Knox County -- Increases members on Knox County Tourist Commission. Amends Chapter 847, Public Acts of 1982.

Senate Bill No. 2535 -- Municipal Government -- Permits persons holding property within municipality but residing elsewhere to hold elected public office in St. Joseph.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1776, 2010 and 2368; substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 764; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1564, 1732, 2480, 2491 and 2509; also, House Joint Resolutions Nos. 453, 462, 483, 687, 689, 690, 692, 695, 696, 697, 710, 728 and 729; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1452, 1520, 1610, 1790, 1820, 1845, 1907, 2077 and 2429; also, Senate Joint Resolutions Nos. 450, 467 and 493; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 2131; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Resolution No. 135.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1642; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1956; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 809, 1601 and 2093; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0809** -- Education, Dept. of -- Enacts the "Model College Access and Adult Literacy Program".

***Senate Bill No. 1601** -- Human Services, Dept. of -- Creates Project RAP program. Amends TCA, Title 71.

Senate Bill No. 2093 -- Correctional Programs -- Directs Department of Correction to develop certain programs for juvenile offenders.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1564, 1732, 2480, 2491 and 2509; and House Joint Resolutions Nos. 453, 462, 483, 687, 689, 690, 692, 695, 696, 697, 710, 728 and 729; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1710, 1828, 2048, 2477, 2478, 2487, 2488, 2492, 2498, 2502 and 2508; and House Joint Resolutions Nos. 694, 736, 737, 738, 739, 740, 741, 742, 743, 745, 746, 747, 748, 749, 750, 753, 755, 756, 757, 758, 759, 761, 762, 763, 765 and 779; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1642; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1776, 2010, 2175, 2249, 2272 and 2368; House Resolutions Nos. 136, 137, 138, 139, 140, 141, 142 and 143; and House Joint Resolution No. 764; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1452, 1520, 1610, 1790, 1820, 1845, 1907, 2077 and 2429; Senate Joint Resolutions Nos. 450, 467 and 493.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2485 and 2514.

THURSDAY, APRIL 21, 1988 -- EIGHTY-SIXTH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following additional bills and/or resolutions on the Consent Calendar for Monday, April 25, 1988: House Bills Nos. 2378 and 1626; House Joint Resolution No. 584; Senate Joint Resolution No. 158; House Bills Nos. 2392 and 2099; House Joint Resolutions Nos. 583, 611; House Resolutions Nos. 144, 145, 146, 147; House Joint Resolutions Nos. 766, 768, 769, 774, 775, 776, 777, 778, 780 and 781; Senate Joint Resolutions Nos. 476, 483, 487, 490, 492, 498, 499, 500, 501 and 502; and House Bills Nos. 2485 and 2514.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following additional bills and/or resolutions on the calendar for Wednesday April 27, 1988: House Bills Nos. 2193, 67, 2189, 1372, 1649, 540, 2504, 2108, 1749, 2303, 2342, 2346, 2345, 2344, 2373.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following additional bills and/or resolutions on the calendar for Thursday, April 28, 1988: House Bills Nos. 2046; House Joint Resolution No. 622; and House Bill No. 2231.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Nalfeh, the House adjourned until 4:00 P.M., Monday, April 25, 1988.